IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2711 OF 2007

Shri Salam Abdul Latif Ansari. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

A.S.Rao for the applicant.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 3rd October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.II-3/2007 registered with Mahatma Phule Police Station, Kalyan for the offences punishable under sections 21, 22 and 29 of the N.D.P.S. Act.

3. The Sessions Court, Thane, vide order dated 5th July, 2007 passed in Criminal Bail Application No.910/2005, has rejected bail application of the present applicant.

4. It was urged before the Session Court that applicant with one more accused were found in possession of Charas. The Sessions Court fell that the quantity of Charas not being a commercial quantity, there could be no hurdle in releasing the applicant on bail, but looking to the absence of permanent place of residence of the applicant, Sessions Court found it difficult to grant bail since it felt it may not be possible to track the applicant and keep watch on him so as to seek his presence during trial. The police investigation shows that the present applicant works on power looms at Bhiwandi and earns his livelihood. He comes to Bhiwandi, works for few months and goes to his native place for some months to meet his family. However, one thing needs to be noticed that his family is not staying in Bhiwandi. He is the only bread earner for the family. Keeping him jail will cause not only punishment to him but to his family also for want of bread earner.

5. Since the investigation is complete and chargesheet has been filed, the applicant can be released on bail, subject to certain stringent conditions. In these circumstances of the case, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.II-3/2007 registered with Mahatma Phule Police Station, Kalyan shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station twice a week, i.e. on every Monday and Thursday between 4.00 to 5.00 p.m. till conclusion of the trial.

(c) The applicant to furnish his residential address at Bhiwandi as well as that of his permanent native place to the investigating officer before seeking his release on bail.

(d) The order of bail shall be given effect only after the applicant furnishes to the investigating officer the above details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation

to the investigating officer.

(e) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(f) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(g) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

JUDGE